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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,661	01/02/2002	Iver Hansen	99999.99999	9089

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EXAMINER

LE, NHAN T

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/936,661

Applicant(s)

HANSEN, IVER

Examiner

Nhan T Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/15/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Some portions of the present specification are unreadable (see pages 2, 3, 4, 6, 7, 8). The action is based on the best understanding of the examiner.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 2, 6, 8, the phrase "for example; etc" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 1, 8, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 fails to disclose what claim the claim depends on.

#### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Meister (US 5,677,948).

As to claim 1, Meister teaches a transceiver system (see fig. 1, col. 2, lines 17-55) for personal and portable use characterized in that the system is having carrying

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mean (see fig. 1, col. 2, lines 17-55) sufficiently adjustable for being position entirely and firmly in the middle of the chest of the user, respectively on the ear of the user, optionally on both the chest and on the ear at the same time when the ear is used only as the receiver of the sound from the chest apparatus. The system thereby hand free operation when needed. The system is also having mean (see fig. 1, col. 2, lines 17-55) for moving a component to more suitable angle, distance and position for easy operation by users.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meister (US 5,677,948) in view of Huntley et al (US 5,346,111).

As to claim 2, Meister fails to teach wherein the apparatus is also arranged to contain other object. Huntley teaches the apparatus is also arranged to contain other object (see fig. 2, numbers 2, 8, col. 1, lines 48-67, col. 2, lines 1-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Huntley into the system of Meister so that users can use many devices at the same time.

3. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meister (US 5,677,948) in view of Huntley et al (US 5,346,111) further in view of Kim et al (GB 2,317,301).

As to claims 3-5, the combination of Meister and Huntley fails to teach the apparatus contains a wireless transmitter of sound to a receiver (see fig. 1a, 1b, page 4, lines 6-20) arranged to be fasten to the ear, wherein the transceiver (see fig. 2, fig. 3, fig. 4, page 4, line 21- page 6, lines 26) is adjustable to the size and shape of the ear and allows some air passage to the user's external auditory meatus and wherein the ears transceiver (see fig. 2, fig. 3, fig. 4, page 4, lines 21- page 6, lines 26) has a microphone which maybe unfolded toward the user mouth during the phone conversations and fold back on the ear transceiver when not in use. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kim into the system of Meister and Huntley in order to make it more convenience for user.

4. Claims 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Meister (US 5,677,948) in view of Chen (US 5,617,082).

As to claims 6, 7, Meister fails to teach wherein the batteries of the apparatus may be recharged by utilizing body movements and body functions to transform such energy into electric power by rotating weight in the heel or sides of footwear, the weights connects to and activating small dynamos and condenser, the dynamos and condenser connected by wire to recharge batteries which are thereby recharged and energized. Chen teaches wherein the batteries of the apparatus may be recharged by

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utilizing body movements and body functions (see fig. 1, fig. 2, col. 2, lines 13-51) to transform such energy into electric power by rotating weight in the heel or sides of footwear, the weights connects to and activating small dynamos and condenser, the dynamos and condenser connected by wire to recharge batteries which are thereby recharged and energized, wherein air from the compartment in the soles of footwear is moved through to small dynamos and condenser, the dynamos and condenser activated and charging batter (see col. 2, lines 52- col. 3, lines 62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Chen into the system of Meister in order to convert the mechanical force during walking in electrical power source.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 703-305-4538. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N, Le

Nhan Le

Nguyen Vo  
11-28-2004

NGUYEN T. VO  
PRIMARY EXAMINER